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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,217	12/01/2003	Vincent Paul Schaaf	15838.1	2114
7590 03/30/2006			EXAMINER	
FRASER D. ROY WORKMAN NYDEGGER 1000 Eagle Gate Tower 60 East South Temple Salt Lake City, UT 84111			FETSUGA, ROBERT M	
			ART UNIT	PAPER NUMBER
			3751	
DATE MAILED: 03/30/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/725,217

Applicant(s)

SCHAAF, VINCENT PAUL

Examiner

Robert M. Fetsuga

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 13-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12/01/03 & 06/14/04 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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1. Applicant's election without traverse of Group I in the reply filed on February 21, 2006 is acknowledged.
2. The proposed drawing correction filed on February 21, 2006 is disapproved as containing new matter. The particular structure added to Fig. 7 is not specified in "paragraph 49" referenced by applicant at page 8 of the response filed February 21, 2006.
3. The drawings are objected to because in Fig. 1 reference numeral "16" (left occurrence) apparently should be --22-- (par. 031 ln. 2), in Fig. 7 the leader for reference numeral "60" apparently is misdirected (par. 049 ln. 5), in Figs. 7 and 8 reference numeral "52" apparently should be --152-- (par. 046 ln. 7), in Fig. 10 reference numeral "202" (par. 054 ln. 2) is missing, in Fig. 13 reference numeral "282" apparently should be --242-- (par. 065 ln. 3), and reference numeral "192" (par. 052 ln. 5) is missing. The changes made in the proposed drawing correction would be acceptable to overcome these discrepancies if filed absent the new matter of Fig. 7.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the subject matter set forth in claim 11 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

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Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Proper antecedent basis for the subject

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matter set forth in claim 6, and "transport members" set forth in claim 10, could not be found in the specification. Applicant is reminded claim terminology in mechanical cases should appear in the descriptive portion of the specification by reference to the drawing(s).

5. The disclosure is objected to because of the following informalities: reference numeral "15" (Fig. 7, for example) lacks a detailed description; and paragraph 039, lines 3-4, "upper portion 46" apparently should be --drawer 45--.

Appropriate correction is required.

6. Claims 1-12 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 1 recites "said cart compacting said bio-waste material". Claim 9 recites similar subject matter.

Implementation of this subject matter is neither taught in the instant disclosure nor evident to the examiner.

7. Claim 7 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art

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to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The claim recites "said cart moves said compacted bio-waste material along said at least one generally horizontal member and deposits said packaged bio-waste material down said at least one generally vertical member." Implementation of this subject matter is neither taught in the instant disclosure nor evident to the examiner.

8. Claim 8 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The claim recites "another cart receives said compacted bio-waste material". Implementation of this subject matter is neither taught in the instant disclosure nor evident to the examiner.

9. Claim 9 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

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The claim recites a plurality of carts that "delivers said packaged bio-waste material to said at least one storage receptacle." Implementation of this subject matter is neither taught in the instant disclosure nor evident to the examiner.

10. Claim 11 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The claim recites "said transport network comprises at least one of a shaft and a tunnel." Implementation of this subject matter is neither taught in the instant disclosure nor evident to the examiner.

11. Claim 12 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The claim recites "at least one door that aids in compacting said bio-waste material". Implementation of this subject matter is neither taught in the instant disclosure nor evident to the examiner.

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12. Claims 3 and 5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims appear to be redundant to each other.

13. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 1 and 2, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Jaronko et al.

The Jaronko et al. (Jaronko) reference discloses a system comprising: a collection receptacle (col. 4 lns. 21-23); a building structure (col. 4 ln. 27); a transport network (col. 1

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lns. 387-39); a storage receptacle (col. 1 ln. 39, at disposal point); and a cart (col. 1 lns. 37-38), as claimed.

15. Claims 1-3 and 5-11, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Devine et al.

The Devine et al. (Devine) reference discloses a system comprising: a collection receptacle C including a liner B; a building structure (col. 6 ln. 55); a transport network (inherent in the building structure) including a vertical member (at 23); a storage receptacle (col. 7 ln. 7); a cart (wheels of C); and another cart 11, as claimed.

16. Claims 1-3 and 5, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Jaronko and Devine.

Although the receptacle of the Jaronko waste processing system may not include a toilet and liner, as claimed, attention is directed to the Devine et al. (Devine) reference which discloses an analogous system which further includes a toilet receptacle C (col. 1 ln. 44) having a liner B. Therefore, in consideration of Devine, it would have been obvious to one of ordinary skill in the waste processing system art to associate a toilet and liner with the Jaronko receptacle in order to process human waste.

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17. Claims 1-5, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Jaronko, Devine and Behrens.

Although the receptacle of the Jaronko waste processing system does not include an absorbent material, as claimed, attention is directed to the Behrens reference which discloses an analogous waste processing system which further includes a receptacle L having an absorbent material (pg. 1 lns. 89-95). Therefore, in consideration of Behrens, it would have been obvious to one of ordinary skill in the waste processing system art to associate an absorbent material with the Jaronko receptacle in order to facilitate liquid waste handling.

18. Claim 4, as best understood, is rejected under 35 U.S.C. 103(a) as being unpatentable over Devine and Behrens.

To associate an absorbent material with the Devine receptacle would have been obvious to one of ordinary skill in the art in consideration of Behrens analogous to the discussion supra.

19. Claim 12, as best understood, is rejected under 35 U.S.C. 103(a) as being unpatentable over Devine and Faust.

Although the Devine cart does not include a door, as claimed, attention is directed to the Faust reference which discloses an analogous cart 20 which further includes a door 28. Therefore, in consideration of Faust, it would have been obvious

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to one of ordinary skill in the cart art to associate a door with the Devine cart in order to inhibit contamination.

20. Applicant is referred to MPEP 714.02 and 608.01(o) in responding to this Office action.

21. The grounds of rejection have been reconsidered in light of applicant's arguments, but are still deemed to be proper.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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22. Any inquiry concerning this communication should be directed to Robert M. Fetsuga at telephone number 571/272-4886 who can be most easily reached Monday through Thursday. The Office central fax number is 571/273-8300.

A handwritten signature in black ink, appearing to read 'Robert M. Fetsuga', with a stylized flourish at the end.

Robert M. Fetsuga
Primary Examiner
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